

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. :	10/531,752	)	CERTIFICATE OF MAILING
Applicant :	Keith R. Minnich et al	)	I hereby certify that this correspondence is
		)	being deposited with the United States
Filed :	April 18, 2005	)	Postal Service with sufficient postage as
Title :	Method and Apparatus	)	first class mail in an envelope addressed to:
	for High Efficiency	)	Commissioner of Patents, P.O. Box 1450,
	Evaporation Operation	)	Alexandria, VA 22313-1450, on this
		)	9 th day of <u>June</u> , 2006.
TC/A.U. :)	
Examiner :)	
		)	<u>Dorothy A. Hauser</u> <u>9 June 2006</u>
Docket No. :	4553-00013	)	Dorothy A. Hauser Date

PETITION UNDER 37 CFR 1.47 TO ACCEPT FILING
WHEN INVENTOR REFUSES TO SIGN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is being filed for acceptance of the above-identified patent application under 37 CFR 1.47(a). Enclosed with this Petition are the following:

1. A Statement of Facts in Support of Filing on Behalf of the Nonsigning Inventor, signed by a person to whom the refusal to sign was made.
2. A Declaration setting forth the full name, address and citizenship of the non-signing inventor, as well as the full name, address and citizenship of the two signing co-inventors.
3. The Petition fee of \$130.00 (37 CFR 1.17(I)).

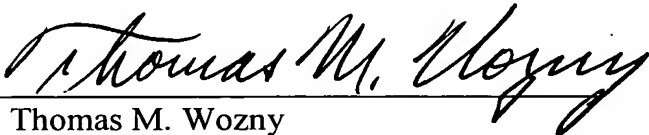
06/16/2006 MKAYPAGH 00000150 10531752
130.00 0P
04 FC:1464

Application No. 10/531,752
Applicants: Keith R. Minnich et al
Attorney Docket No. 4553-00013

4. A copy of an email sent December 20, 2005 to Mr. Keith Minnich (one of the joint inventors) indicating that despite sending the patent application and Declaration twice, the inventor Ramkumar Karlapudi has not signed or returned the Declaration so it could be filed with the U.S. Patent Office. Attached to the email is a copy of the DHL label dated November 28, 2005 sending the application and Declaration to Mr. Karlapudi as well as a copy of the DHL pre-paid return label.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
Thomas M. Wozny
Reg. No. 38,922

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No.: 4553-00013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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)	Date
Docket No. :	4553-00013)	Dorothy A. Hauser

STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 CFR 1.47)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This statement is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration by the nonsigning inventor for the above-identified patent application subsequent to deposit thereof in the U.S. Patent and Trademark Office.

This statement is being made by the available person having first hand knowledge of the facts recited herein. The person making this statement is:

C.K. Tiwari
Vice President
Aquatech International Corp.
One-Four Coins Drive
Canonsburg, PA 15317

EFFORTS TO OBTAIN INVENTOR'S SIGNATURE

The present invention was filed in the U.S. Patent Office on April 18, 2005 and received Serial No. 10/531,752. This application is the U.S. National Stage application of International Application PCT/US2003/03306, filed October 17, 2003, which

international application was published on April 29, 2004 as International Publication WO 2004/035479 in the English language. The international application claimed priority of United States Provisional Application No. 60/419,549 filed October 18, 2002 and U.S. Provisional Application No. 60/419,552 also filed on October 18, 2002.

Shortly after filing the PCT international application, the three named inventors were presented an Assignment document which assigned the entire right, title and interest in the invention and in this application, as well as foreign applications, to Aquatech International Corp. All three inventors named in the PCT international application as the Applicants for the United States designation, executed the Assignment. A copy of the Assignment is attached and it is to be noted that the inventor RamKumar Karlapudi executed the Assignment on December 8, 2003. The Assignment was recorded in the U.S. Patent Office on May 4, 2005.

After entering the National Stage in the United States by filing the present application on April 18, 2005, the inventors Keith R. Minnich and Richard R. Schoen were presented with a copy of the application as filed as well as the inventor Declaration for execution. Both inventors Keith R. Minnich and Richard M. Schoen signed the inventor Declaration on April 20, 2006. However, the third named inventor RamKumar Karlapudi had left the employ of Aquatech International Corp. and thus a copy of the application as filed together with the inventor Declaration was sent to Mr. Karlapudi on or about May 27, 2005 via DHL envelop identified by tracking number 10114137644. However, no response from Mr. Karlapudi was received.

On November 28, 2005, a second attempt to obtain Mr. Karlapudi's signature was made. As evidenced by the attached email from Dawn Pirkel to Keith Minnich, Ms. Pirkel sent another copy of the application as filed together with the inventor Declaration as well as a pre-paid return envelopment via DHL identified by tracking number 3990009574. However, no response was received from Mr. Karlapudi.

Finally, an attempt by me to reach Mr. Karlapudi by telephone was made on May 25, 2006. Mr. Karlapudi could not be reached, and despite leaving a voicemail message to return the telephone call, no return phone call was made by Mr. Karlapudi.

The above facts clearly demonstrate that despite being presented with the application and the inventor Declaration, and despite having an obligation to sign as a condition of employment at the time the invention was conceived, Mr. Karlapudi refused to sign the inventor Declaration. Accordingly, the above facts demonstrate a bona fide and diligent effort was made to obtain the signature of Mr. Karlapudi on the inventor Declaration, but to no avail.

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR
TO PRESERVE THE RIGHTS OF THE PARTIES**

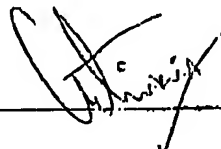
Since a Notification of Missing Requirements Under 35 USC §371 was mailed to Applicant's representative on December 12, 2005, the final date for responding, with extensions of time, is June 12, 2006. Accordingly, unless the U.S. Patent Office accepts the enclosed Petition Under 37 CFR 1.47, the inventors as well as the Assignee will suffer irreparable damage because of the lack of signature by the non-signing joint inventor.

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

The last known address of the nonsigning inventor is listed below:

RamKumar Karlapudi
14 Ferndale Lane
Homer, N.Y. 13077

Date: 6/8/06


C.K. Tiwari

Attorneys for Applicant:
Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No.: 4553-00013

WHEREAS, the undersigned inventors (hereinafter referred to as the ASSIGNORS) have made an invention entitled METHOD AND APPARATUS FOR HIGH EFFICIENCY EVAPORATION OPERATION for which application has been filed on 17 October 2003 as International Application No. PCT/US03/33066 and whereas AquaTech International Corporation, (hereinafter referred to as the ASSIGNEE), a corporation organized under the laws of Pennsylvania and doing business at One Four Coins Drive, Canonsburg, PA 15317, US is interested in acquiring the entire interest in said invention.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the full receipt and sufficiency of which is hereby acknowledged, we hereby assign to the ASSIGNEE our entire right, title and interest in the said invention and in and to said application, and in any application(s) based thereon which ASSIGNEE, at its expense, may cause to be filed under an international treaty, or in any international or national patent office, including any extensions, divisions, reissues, continuations and continuations in part of any such application(s), and in any rights of priority which we are entitled to assert.

The ASSIGNORS hereby authorize and requests the national patent offices of countries in which applications are filed to issue any and all Letters Patents resulting from said application(s), or any division or divisions or continuing or reissue applications thereof, to the ASSIGNEE and hereby covenant that they have the full right to convey the entire interest herein assigned and that they have not executed and will not execute any agreement in conflict herewith.

The ASSIGNORS agree to execute all papers necessary in connection with this application and any application resulting from said application and any continuing divisional or reissue applications of such application(s) and also to execute separate assignments in connection with such applications as the ASSIGNEE may deem necessary or expedient. And, the ASSIGNORS further covenant that each of them will at all times communicate to the said ASSIGNEE, its successors, assigns or legal representatives, all facts relating to said invention, applications and Letters Patent, or the history thereof, known to them, and testify as to the same in interferences or other litigation, when requested so to do.

This Assignment shall inure to the benefit of the ASSIGNEE, its successors, assigns and other legal representatives, and shall be binding upon its heirs, legal representatives and assigns.

Inventor: Keith R Minnich

Residence: W291 N3821 Round Hill Circle
Pewaukee, WI 53072 US

Signed this 8 day of December 2003

Signature: Keith R Minnich

Inventor: Ramkumar Karlapudi

Residence: 1981 Foxcroft Lane
Waukesha, WI 53189 US

Signed this 8 day of December 2003

Signature: *Ramkumar*

Inventor: Richard M. Schoen

Residence: N67W29767 Hartling Road
Hartland, WI 53029 US

Signed this 8 day of December 2003

Signature: *Richard M. Schoen*

RECORDED PTO

DATE: 5-4-05

REEL: 15981

FRAMES: 846-848

PLEASE TYPE OR PRINT

FOR SHIPMENTS WITHIN U.S. ONLY

Sender Account Number 200919059		Preprint Formel No. 98334638		Payment Sender will be billed unless marked otherwise <input checked="" type="checkbox"/> Receiver 3rd Party <input type="checkbox"/> Paid in Advance		Origin AKE		Waybill Number 37900098044	
FROM (Company) AQUATECH Street Address 1120 JAMES DR City HARTLAND				State WI ZIP CODE (Required) 53029		Billing Reference (will appear on invoice) ICS ADMIN		Service Type Next Day 10:30 Next Day 12:00 Next Day 3:00 Extra charge	
Sender (Name/Dept) Bam Kumar Street Address Aquatech 1120 James Dr. Suite B-105 City Hartland				Phone (Required) 262-369-9595		Special Instructions <input type="checkbox"/> Saturday Delivery <input type="checkbox"/> Hold at DHL <input type="checkbox"/> Lab Pack Service		Service may vary by destination, visit www.dhl-usa.com	
TO (Company) PLEASE PRINT NEATLY Aquatech Street Address 1120 James Dr. Suite B-105 City Hartland				State WI ZIP CODE (Required) 53029		Shipment Valuation Shipment Value Protection <input type="checkbox"/> \$.00		CARRIER LIABILITY IS LIMITED TO \$100 PER PACKAGE ON ACTUAL VALUE, WHICHEVER IS LESS, SPECIAL OF CONSEQUENTIAL DAMAGES ARE NOT RECOVERABLE. SEE TERMS AND CONDITIONS ON REVERSE SIDE OF THIS NON-NEGOTIABLE WAYBILL.	
Description Signed Patent Docs				Phone (Required) 262-369-9595		Payment Details (Credit Card) No. _____ Type _____ Expires _____ Auth. _____		DHL EXPRESS DHL Worldwide Express, Inc. 1200 South Pine Island Road, Plantation, FL 33324 1.800.Call-DHL	
Sender's Signature Bam Kumar		Date _____		DHL Signature _____		Date _____			

SENDER'S COPY

dx Sent w/a return DHL envelope

Sender Account Number 200919059		Preprint Format No. 98334638		Payment Sender will be billed unless marked otherwise Bill to:		Origin MKE		Waybill Number 39900095745	
FROM (Company) AQUATECH		State WI		ZIP CODE (Required) 53029		Receiver 3rd Party <input checked="" type="checkbox"/> 120077760		Service Type One box must be checked. Assume area unless noted. 10:30 am Extra charge.	
Street Address 1120 JAMES DR		Phone (Required) 262-369-9595		Billing Reference (will appear on invoice) ICA ADMIN		Special Instructions <input type="checkbox"/> Saturday Delivery Extra charge Not available for all services and locations. <input type="checkbox"/> Lab Pack Service		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>	
City HARTLAND		State WI		ZIP CODE (Required) 53029		Shipment Valuation Shipments Value Protection <input type="checkbox"/> \$ 00		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>	
Sent by (Name/Dept) Dawn Pikel		Phone (Required) 262-369-9595		Payment Details (Credit Card) No. _____ Type _____ Auth. _____		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>	
TO (Company) PLEASE PRINT NEATLY Ram Kumar		State NY		ZIP CODE (Required) 13077		Shipment Valuation Shipments Value Protection <input type="checkbox"/> \$ 00		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>	
Street Address 14 Ferndale Lane		Phone (Required) 6077498910		Payment Details (Credit Card) No. _____ Type _____ Auth. _____		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>	
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Attention: (Name/Dept) Ram Kumar		Phone (Required) 6077498910		Payment Details (Credit Card) No. _____ Type _____ Auth. _____		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>	
Description Patent Documents w/return envelope		State NY		ZIP CODE (Required) 13077		Shipment Valuation Shipments Value Protection <input type="checkbox"/> \$ 00		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>	
Sender's Signature Dawn Pikel		Date 11/28/05		DHL Signature _____		Type _____		<div> <div>Monday 10:30</div> <div>Tuesday 12:00</div> <div>Wednesday 3:00</div> <div>Thursday 5:00</div> </div>	

SENDER'S COPY

DHL Worldwide Express, Inc.
1200 South Pine Island Road,
Plantation, FL 33324
1 800 Call-DHL

Dawn Pirkel

From: Dawn Pirkel [pirkeld@aquatech.com]
Sent: Tuesday, December 20, 2005 11:36 AM
To: Keith Minnich (mlinnichk@aquatech.com)
Subject: Patent Documents Update

Hi Keith,

I just wanted to update you and let you know that I still have not received the signed patent document from Ram. I sent him another copy (DHL tracking #3990009574) with a pre-paid return envelope (DHL tracking #39900098044 -addressed to me) on November 28th.

[REDACTED]

Warmest Regards,
Dawn Pirkel
aqua-chem ICD
Industrial Concentration & Desalination
P: 262-369-9595-X100 F: 262-369-9494 www.aquatech.com
a division of
Aquatech International Corporation

12/20/2005